UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,146	09/30/1999	HIROYUKI SUZUKI	FUJY-16.562	4974

7590 02/12/2004	EXAMINER
KATTEN MUCHIN ZAVIS ROSENMAN	MEHRA, INDER P
575 MADISON AVENUE	

ART UNIT	PAPER NUMBER
2666	5

NEW YORK, NY 10022

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.**	**Applicant(s)**
	09/409,146	SUZUKI ET AL.
	Examiner	**Art Unit**
	Inder P Mehra	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 September 1999_ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 September 1999_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

  If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☒ All b)☐ Some * c)☐ None of:

  1.☒ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____ .

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

  a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "27" has been used to designate both interface (os/or 27) and "OAM

Complex (controller)". A proposed drawing correction or corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The objection to the

drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

3.   Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Masuo et al** (US

Patent No. 6,034,9610.

Regarding claims 1-3, Masuo discloses, in reference to figs. 2-3, network system

(plurality of high-order nodes) including, in fig. 2, nodes 13 and 14 (high-order nodes); and

nodes 11 and 18 (low-order nodes) ; in which data is transmitted from terminal 21 to terminal 22

via low-order nodes 11 and 18 (from one low-order node to another low-order node); wherein

-       nodes 13 and 14 (first high-order nodes) and nodes 15 and 16 (second-order nodes);

-       nodes 11 and 18 (first low-order nodes) of the first high order nodes;

Nodes 11 and 18 (low order nodes), refer to fig. 1, comprise:

- signaling means 2 analyzes the contents of received response message (detection

  section, as also recited by claims 2 and 3,(**nodes 13 through 17, including**

  high-order nodes, have the same functions and operate the same way, refer to col.

  6 lines 62-65);, and determines if message indicates failure, refer to col. 6 lines 24-30;

- upon detection of failure, setting up of stand-by route is executed (a host change

  request section requesting the second high order------, as also recited by claims 2 and

  3), refer to col. 6 lines 28-31;

- upon detection of failure, the signaling means 2 in node 11 (setting section) transmits

  failure message to the node 11, starting node, (low-order node), refer to col. 6 lines

  48-50, procedure for setting standby route is executed (a low-order node setting

  section ---transmit data---- in place of first order node------), refer to col. 6 lines 28-

  31;

the second high-order node comprises:

- standby route calculating means 4 (second high-order node setting section), fig. 1,

  calculating a standby route (one of the processes for causing the second high order

  node to transmit data-----), refer to col. 6 lines 3-10; **note that nodes 13 through 17,**

  including nodes 15 and 16 (standby second high-order nodes), have the same

  functions and operate the same way, refer to col. 6 lines 62-65;

- standby calculation means 4 calculates a standby route with reference to the topology

  information table 5, refer to col. 6 lines 8-10, and informs node 11 (first low-order

  node), refer to col. 6 lines 48-51.

Regarding claims 4-7, Masuo discloses a network system according to claims 1-3,

wherein:

- each node exchanging network topology and route information (path information) ,

    refer to col. 4 lines 10-22;

- each node exchanges information (each of the low-order nodes receives the path

    information---); starting node (low-order node) calculates a route up to the end node

    (path information), performs line connection, refer to col. 4 lines 15-20; and add M

    sub b (active mode) information to connection pair identifier and exchange network

    topology information, refer to col. 4 lines 10-20;

- starting node 11 (low-order node) performs the process, refer to col. 7 lines 53-55, of

    setting an active route to the end node via nodes 12-18 (each of the high order nodes

    transmits the data –from a low order node to the other low order node----), refer to

    col. 7 lines 53-56 and col. 8 lines 8-10;

the first low-order node further comprises:

- active route information table 6; topology information table 5; standby routing

    information table 7; and connection pair table 8, refer to in fig. 1; further discloses

    storage area for a connection identifier (memory section storing path information-----

    ), refer to col. 4 lines 64-65;

- routing means 1 updates the information stored and updating is required according to

    certain rules, refer to col. 5 lines 14-17; transfer the information to another node

    when it is required to transfer the topology information to another node, the routing

    means 1 transmits the received topology information; each node holds information on

the topology (an updating section for receiving updated path information ----), refer to

col. 5 lines 15-22;

-   the signaling means 2 executes a procedure for setting up a standby route (setting

section of second high order node), including each node (including second order

nodes 15 and 16) carries out route calculation (path information) based on topology

information (generates updated path information as a new path), refer to col. 2 line

62-67;

-   standby calculation means 4 (process information transfer section of the second high-

order) calculates a standby route with reference to the topology information table 5

(updated path), refer to col. 6 lines 8-10, and informs node 11 (transmits to first low-

order node), refer to col. 6 lines 48-51.

Regarding claims 8-11, Masuo discloses , in reference to figs. 2-3, network system

(plurality of high-order nodes) including, in fig. 2, nodes 13 and 14 (high-order nodes); and

nodes 11 and 18 (low-order nodes) ; in which data is transmitted from terminal 21 to terminal 22

via low-order nodes 11 and 18 (from one low-order node to another low-order node); wherein:

-   each node updates topology information and repeats it sequentially and transmits

to another node, eventually all nodes in the network hold information on the topology

information , refer to col. 5 lines 15-20; adds M sub b (signaling message) with connection pair

identifier and active/standby information (each of the high order nodes holds path information ---

-corresponding to a destination ---), refer to col. 5 lines 15-30 and 46-55;

further, discloses starting node 11 (low-order node) performs the process, refer to col. 7

lines 53-55, of setting an active route to the end node via nodes 12-18 (each of the high order

nodes transmits the data –from a low order node to the other low order node----), refer to col. 7

lines 53-56 and col. 8 lines 8-10;

signaling means 2 analyzes the contents of received response message (detection

section, as also recited by claims 2 and 3,(**note that nodes 13 through 17, including**

high-order nodes, have the same functions and operate the same way, refer to col. .

6 lines 62-65);, and determines if message indicates failure, refer to col. 6 lines 24-30;

upon detection of failure, setting up of stand-by route is executed (a host change request

section requesting the second high order------, as also recited by claims 2 and 3), refer to col. 6

lines 28-31;

- upon detection of failure, setting up of stand-by route is executed (request section

    requesting the second high order------, as also recited by claims 2 and 3), refer to col. ·

    6 lines 28-31;

- upon detection of failure, the signaling means 2 in node 11 (setting section) transmits

    failure message to the node 11, starting node, (low-order node), refer to col. 6 lines

    48-50, procedure for setting standby route is executed (a low-order node setting

    section ---transmit data---- in place of first order node------), refer to col. 6 lines 28-

    31;

- active route information table 6; topology information table 5; standby routing

    information table 7; and connection pair table 8, refer to in fig. 1; further discloses

    storage area for a connection identifier (memory section storing path information-----

    ), refer to col. 4 lines 64-65;

- routing means 1 updates the information stored and updating is required according to certain rules, refer to col. 5 lines 14-17; transfer the information to another node when it is required to transfer the topology information to another node, the routing means 1 transmits the received topology information; each node holds information on the topology (an updating section for receiving updated path information ----), refer to col. 5 lines 15-22;

Prior Art

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hiscock et al (US Patent No. 6,347,073) discloses method and system for controlling data transfer between a logical switch set and outside nodes.

- Blanc et al (US Patent No. 6,411,599) discloses fault tolerant switching architecture

Conclusion

5.   Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

6.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand –delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, sixth floor (Receptionist).

Inder Mehra   12/13/02
Inder Mehra

December 13, 2002

MELVIN MARCELO
PRIMARY EXAMINER